

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

ERICA ARTIS,

Plaintiff,

VS.

QUALITY BRAND GROUP,

Defendant.

No. 3:21-CV-2436-S-BH

Referred to U.S. Magistrate Judge¹

RECOMMENDATION REGARDING REQUEST TO PROCEED IN FORMA PAUPERIS ON APPEAL

Before the Court is the plaintiff's *Notice of Appeal*, which includes an *Application to Proceed In District Court Without Prepaying Fees or Costs* and is liberally construed as a request for leave to proceed *in forma pauperis* on appeal, received on October 25, 2021 (doc. 6).

- (X) The request for leave to proceed *in forma pauperis* on appeal should be DENIED because the Court should certify under Fed. R. App. P. 24(a)(3) and 28 U.S.C. § 1915(a)(3) that the appeal is not taken in good faith, and that it presents no legal points of arguable merit and is therefore frivolous for the reasons set forth in the orders filed in this case on October 6, 2021, and October 27, 2021 (docs. 5, 9). The plaintiff has not established that she is a pauper. A review of the plaintiff's *in forma pauperis* application shows that she received income of \$4,096 on September 27, 2021 and currently has \$1,800 in cash or in a checking or savings account, which sum reflects sufficient funds to pay the applicable filing fees on appeal.

If the Court denies the request to proceed *in forma pauperis* on appeal, the plaintiff may challenge the denial by filing a separate motion to proceed *in forma pauperis* on appeal with the Clerk of Court, U.S. Court of Appeals for the Fifth Circuit, within thirty days after service of the notice required by Fed. R. App. P. 24(a)(4). See Fed. R. App. P. 24(a)(5).

SIGNED this 28th day of October, 2021.

Irma Carrillo Ramirez
IRMA CARRILLO RAMIREZ
UNITED STATES MAGISTRATE JUDGE

¹ By *Amended Miscellaneous Order No. 6* (adopted by *Special order No. 2-59* on May 5, 2005), requests to proceed *in forma pauperis* on appeal are automatically referred.